

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CHARLES L. DAVIS and JAMES R.
WEEDE, *individually and on behalf of all
others similarly situated,*

Plaintiffs,

v.

Case No. 08-cv-779-JPG

RETIREMENT PLAN OF PHIBRO
ANIMAL HEALTH CORPORATION
AND SUBSIDIARIES AND
AFFILIATES, PHIBRO ANIMAL
HEALTH CORPORATION, PRINCE
AGRI PRODUCTS, INC., PRINCE
MINERALS, INC., JACK C. BENDHEIM,
RICHARD G. JOHNSON, and DAVID C.
STORBECK,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Plaintiffs' unopposed Motion to Strike (Doc. 123).

Being fully advised of the premises, the Court **GRANTS** the instant motion (Doc. 123), whereby the Court **STRIKES** Counts IV, V, and VI from the operative Amended Complaint (Doc. 114). The Court **DISMISSES** Counts IV and V **with prejudice** as they relate to Plaintiff Charles Davis and **without prejudice** as they relate to Plaintiff James Weede. The Court also **DISMISSES** Count VI **with prejudice** as it relates to both Davis and Weede. Further, the Court **CLARIFIES** its Order (Doc. 117) of February 10, 2011, by noting that Count II has been **DISMISSED with prejudice** as it relates to Davis and **without prejudice** as it relates to Weede. Finally, the Court **AMENDS** its Scheduling and Discovery

Order (Doc. 112) of January 10, 2011, by noting that there shall be no further amendments to the operative complaint to add additional claims or plaintiffs or to make additional allegations relating to, arising from, or supporting claims that have been dismissed.

IT IS SO ORDERED

Dated: April 4, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE